

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Subsection (b) of 35 USC 132, effective on May 29, 2000,  
provides for continued examination of an utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application No.	09/414,951
Filing Date	October 8, 1999
First Named Inventor	Michael A. Arkes
Group Art Unit	2164
Examiner Name	Charles R. Kyle
Attorney Docket No	P2048US

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

**NOTE:** 37 CFR 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 CFR 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice, Final Rule*, 65 Fed. Reg. 50092 (Aug. 16, 2000); *Interim Rule*, 65 Fed. Reg. 14865 (Mar. 20, 2000). 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☒ Amendment/Response to Office Action
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Form PTO-1449
- v. ☐ Copies of documents listed in Form PTO-1449
- vi. ☒ Other: Declaration Under 37 CFR § 1.131 and § 1.132; Exhibit A; Exhibit B

**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103 for a period of months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)
- b. ☒ Applicant claims small entity status. See 37 CFR 1.27
- c. ☐ Other:

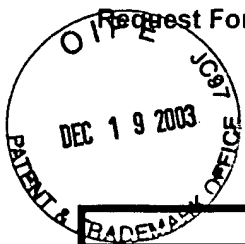
**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The following fees are enclosed:
- i. ☒ RCE fee of \$385.00 (small entity) required under 37 CFR 1.17(e)
- ii. ☒ Four-month extension of time fee of \$740.00 (37 CFR 1.136 and 1.17)
- iii. ☐ Suspension of action fee of \$130.00 (37 CFR 1.17(i))
- iv. ☐ Other:

**TOTAL FEES ENCLOSED** \$1,125.00

- b. ☒ Check in the amount of \$1,125.00 enclosed
- c. ☐ The Commissioner is hereby authorized to charge the above fees to Deposit Account No. 07-0181
- d. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to credit any overpayments to Deposit Account No. 07-0181

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**GROUP 36**



Request For Continued Examination Transmittal

Application No. 09/414,951

Attorney Docket No. P2048US

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED			
Name (Print/Type)	David A. Frey	Registration No. (Attorney/Agent)	43,618
Signature	<i>David A. Frey</i>	Date	December 19, 2003

CERTIFICATE OF MAILING UNDER 37 CFR 1.10			
I hereby certify that this RCE Transmittal and all accompanying documents are being deposited with the United States Postal Service on December 19, 2003 in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 CFR 1.10, Mailing Label Number EU905098301US, addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.			
Name (Print/Type)	Barbara Van Dyke		
Signature	<i>Barbara Van Dyke</i>	Date	December 19, 2003

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